

### Remarks

Claims 1-18 are currently pending in the present application. All claims have been rejected in the Office Action dated April 14, 2004. Independent claims 11, 14, 17 and 18, and their respective dependent claims, have been cancelled by the amendment provided herein. Claim 1 has been amended to include the limitations of its dependent claims 5 and 6, and dependent claims 5 and 6 have been cancelled. New independent claim 19 has been added, but is merely a method claim corresponding to amended system claim 1. Consequently, with entry of the amendments herein, claims 1-4, 7-10 and 19 are pending.

### ***Rejections Under 35 USC. §102***

The Office Action rejects claims 1, 2, 4-9, 11, 14, 17 and 18 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,587,822 to Brown, et al. ("Brown"). However, claims 11, 14, 17 and 18 have been cancelled. Claims 5 and 6 have also been cancelled.

Claim 1 has been amended to include the limitations of claims 5 and 6 in element A, which now reads as follows:

A. a speech recognition (SR) system configured to receive an audio input and generate a set of semantic data representing a plurality of valid interpretations of said audio input, wherein said set of semantic data is represented as a semantic tree instance that is represented by at least one object;

Note that the basis of the rejection to claim 5 was "As per claim 5, Brown discloses the set of semantic data is represented in a semantic tree instance (col. 13, lines 30-35)." This cited passage of Brown is written here:

For large grammar applications, it may be possible to automatically create a semantic parser using the grammar compiler. Interpretation then can be done in two stages, e.g., if a hash table created from hyperlink titles is found, in a first stage, not to contain the key phrase, then the semantic parser can be used, in a second stage, to interpret the phrase.

Yet, there is no mention of a semantic tree instance here. With respect to a rejection under §102, if the reference fails to suggest even one limitation of the claimed invention, then the claim is not anticipated. *Atlas Powder*, 750 F.2d at 1574, 224 U.S.P.Q. at 411. Here, the cited passage offers no suggestion of a semantic data representing a plurality of valid interpretations of said audio input being represented as a semantic tree, as required by this claim element. Additionally, there is no suggestion in the Brown cite of a semantic tree that represents valid interpretations of said audio input. Accordingly, applicant respectfully submits that this element of claim 1, and therefore claim 1 itself, is not anticipated by Brown.

For all of the foregoing reasons, claim 1's dependent claims 2, 4, 5, 8 and 9, and, for that matter, corresponding method claim 19 are not anticipated by Brown. Therefore, the Applicant respectfully respects withdrawal of the rejections to claims 1, 2, 4, and 7-9 under 35 U.S.C. §102(e).


### ***Rejections Under 35 USC. §103***

The Office Action rejects claims 3, 10, 12, 13, 15 and 16 under 35 U.S.C. §103(a) as being obvious in view of Brown and US Patent No. 6,606,744 to Mikurak, et al. ("Mikurak"). Claims 12, 13, 15, and 16 have been cancelled.

Claims 3 and 10 are dependent on amended independent claim 1 discussed above with respect to the rejections under 35 U.S.C. §102(e). Applicant believes that independent claim 1 is patentable, so further contends that these dependent claims are also patentable. The Applicant respectfully requests withdrawal of the rejections to claims 3 and 10 under 35 U.S.C. §103(a).

The Applicant respectfully requests allowance of the remaining pending claims. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §1.16 and §1.17 that may be required, or credit any overpayment, to our Deposit Account No. 50-1133.

Respectfully submitted,



---

Toby H. Kusmer, Reg. No. 26,418  
McDermott Will & Emery LLP  
28 State Street  
Boston, MA 02109  
Tel (617) 535-4065  
Fax (617) 535-3800  
E: tkusmer@mwe.com

Date: August 16, 2004

BST99 1420330-1.057622.0038